

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**THURMAN KIRKWOOD**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:16CV119-LG-RHW**

**MARSHALL FISHER, ET AL.**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND DISMISSING DEFENDANT JESSE PATRICK**

This cause comes before the Court on the Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert Walker entered in this cause on August 29, 2016. Magistrate Judge Walker conducted a screening hearing on August 16, 2016, at which Plaintiff Kirkwood agreed to dismiss his claims against Defendant Jesse Patrick. Plaintiff Kirkwood has not objected to the Magistrate Judge's recommendation that Patrick's motion to dismiss should be granted and the claims against Patrick dismissed. The Court finds that the Proposed Findings of Fact and Recommendation is neither clearly erroneous nor contrary to law. It will therefore be adopted as the opinion of this Court.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Proposed Findings of Fact and Recommendation [42] of United States Magistrate Judge Robert H. Walker entered in this cause on August 29, 2016 should be, and the same hereby is, **ADOPTED** as the finding of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that Defendant Jesse Patrick's Motion [38] to Dismiss is **GRANTED**. Plaintiff's claims against Jesse Patrick are hereby **DISMISSED** with prejudice.

**SO ORDERED AND ADJUDGED** this the 19<sup>th</sup> day of September, 2016.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE